



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-2021-0110]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on October 31, 2021, New York & Lake Erie Railroad (NYLE) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance¹ from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 223, Safety Glazing Standards - Locomotives, Passenger Cars and Cabooses. FRA assigned the petition Docket Number FRA-2021-0110.

Specifically, NYLE requested relief from the glazing requirements of 49 CFR 223.11, *Requirements for existing locomotives*, for locomotives NYLE 85 and NYLE 308. NYLE 85 is operated in freight and tourist service on the Oil Creek and Titusville Line in Titusville, Pennsylvania, and NYLE 308 is operated in occasional freight and tourist service in Gowanda, New York. NYLE stated the cost of glazing for both locomotives is prohibitively expensive.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the

¹ These locomotives were previously granted relief under dockets FRA-2000-8267 and FRA-2004-19950, but that relief has expired. In Docket FRA-2000-8267, locomotive NYLE 85 was referred to as OCTL 85.

basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <https://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by **[INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](https://www.regulations.gov).

Issued in Washington, DC.

Carolyn Hayward-Williams,

Director, Office of Railroad Systems and Technology.